IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1746 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KACHHIA PATEL KESHAVLAL RAMDAS

Versus

DABGHAR PURSHOTTAM NATHABHAI

Appearance:

1. Civil Revision Application No. 1746 of 1985
(MR HL PATEL) for Petitioner No. 1
UNSERVED-EXPIRED (N) for Petitioner No. 1
MR AG MOMIN for Respondent No. 1
NOTICE NOT RECD BACK for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 27/12/2002

ORAL JUDGEMENT

1. This is a revision application under Section 29 (2) of the Bombay Rent Act at the instance of the applicant original plaintiff - landlord, who had filed suit against his tenant for a decree for possession and arrears of rent. The Trial Court had decreed the suit, from which the opponent tenant preferred an appeal under Section 29 (1) of the Bombay Rent Act. The Lower Appellate Court, by judgment and decree allowed the appeal and dismissed the landlord's suit. Hence, the present revision at the instance of the landlord.

2. This revision was filed by the applicant through learned advocate Shri H.L. Patel who expired during the pendency of the present revision application. This Court thereupon directed that notice be issued to the petitioner to engage another advocate or to proceed with the matter in person. When this notice was sought to be served upon the applicant of this revision application at the address shown in the cause title, as the bailiff's report shows, the applicant's son Shri Pravinchandra Keshavlal Patel accepted the said notice while stating that his father the applicant in revision had expired about five years ago on 12th March 1992. The bailiff's report not only reiterates the aforesaid facts but is also based on the substantive endorsement made by the son of the applicant under his signature. The aforesaid son namely Pravinchandra Keshavlal Patel has also supplied the bailiff with the death certificate in respect of his father, which shows that his father, namely, the applicant expired on 12th March 1992.

3. The aforesaid fact situation clearly shows that the son Pravinchandra Keshavlal Patel was tendered the notice issued by the Court, who informed the bailiff under his own signature that his father has expired about five years ago as aforesaid. The bailiff's report as also the endorsement made by the son of the applicant is dated 20th June 1999 and yet till today no appearance has been filed on behalf of the heirs of the applicant, and no effort had been made by the aforesaid heirs to bring themselves on record of the present revision. It is, therefore, obvious that the heirs of the deceased applicant are no longer interested in pursuing this revision any further.

4. This revision application is, therefore, dismissed and Rule is discharged with no order as to costs.

[Y.B. BHATT, J.]

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